

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES HENRY GREEN,

Petitioner,

vs.

ELDON K. MCDANIEL, *et al.*,

Respondents.

3:11-cv-00161-HDM-VPC

ORDER

This habeas action comes before the Court for initial review of the amended petition (#16) under Rule 4 of the Rules Governing Section 2254 Cases.

Petitioner has presented his amended petition in three “sections” that each constitute a separate pleading, with a separate caption and signature block, but with three grounds each per “section,” numbered as Ground 1 through Ground 9. Even if the Court were to overlook the unorthodox manner in which petitioner has presented the amended grounds, the third “section” is not signed. Given that petitioner must correct the failure to sign, he will be directed to file one single amended petition containing all of his grounds in one pleading.

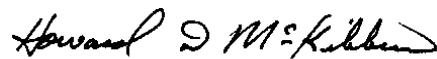
Petitioner need not rewrite the entire amended petition. Petitioner may use copies of some of the prior pages by assembling the following materials into a single amended petition in the following fashion: (1) new pages 1-2; (2) a copy of Grounds 1 through 3 with the exhaustion-inquiry pages; (3) a copy of Grounds 4 through 6 with the exhaustion-inquiry pages; (4) a copy of Grounds 7 through 9 with the exhaustion-inquiry pages; and (5) a new signature page with both the petition and the declaration signed.

1 IT THEREFORE IS ORDERED that petitioner shall have thirty (30) days within which
2 to file an amended petition that corrects the deficiencies identified in this order.

3 IT FURTHER IS ORDERED that petitioner shall clearly title any amended petition filed
4 in response to this order as an amended petition by placing the word "AMENDED"
5 immediately above "Petition for a Writ of Habeas Corpus" on page 1 in the caption and shall
6 place the docket number, **3:11-cv-00161-HDM-VPC**, above the word "AMENDED." Under
7 Local Rule LR 15-1, the amended petition must be complete in itself without reference to
8 previously filed papers. Thus, the claims and allegations that are stated in the amended
9 petition will be the only matters remaining before the Court. Any claims or allegations that are
10 left out of the amended petition or that are not re-alleged therein no longer will be before the
11 Court.

12 The Clerk of Court shall send petitioner two copies of a noncapital Section 2254
13 petition form together with one copy of the instructions for same along with two copies of all
14 three sections of the amended petition that he submitted.

15 DATED: April 3, 2013.

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19 HOWARD D. MCKIBBEN
20 United States District Judge
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